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RECENT REFORMS IN BALLOTING.

ONE of the most cheering signs of the times is the increasing interest that is shown in proposals to reform our present modes of election. That they are gravely defective will be denied by no competent observer. They fail to prevent frauds or to stay corruption.

It is true that the last decades have witnessed some progress in the perfecting of our electoral system. Under the compelling power of public opinion, various abuses have been corrected or mitigated. Yet our existing laws still offer opportunity for many iniquitous abuses that demand reform.

Within the memory of men still young, the practice of "voting early and voting often" prevailed with us to an almost unlimited extent. On rainy days, especially, the work of "repeating" and personation went on with unusual vigor. On such days the principal absentees and chief sufferers were the Whigs, whom the "workers" derisively characterized as "silk-stockings." From early dawn great activity would prevail among their opponents. Coaches, cabs, and omnibuses were put under requisition, and the tour of the town was made. The tourists voted in every district, performing the duties of the "stay-at-homes" in scores of precincts, and extending to their party associates the same hospitality in their own district.

Some of the most rollicking and comical scenes, though painful to the eye of the honest citizen, were witnessed at the New York charter elections. In some districts, parties of roughs would early take possession of the poll, and get up a sham fight for the purpose and with the result of keeping elderly and timid voters of the opposition from venturing to the polls. These tactics would frequently result in serious affrays, in which the booths were upset, the inspectors "lammed," as the phrase went, and the ballot-boxes destroyed. The returns in such cases were necessarily

"cooked." Previous to the adoption of the glass boxes with iron frames, it was an easy feat to "smash" a ballot-box. Nor was it difficult to "stuff" a ballot-box, or to have it "stuffed" before the poll opened ; or to employ false bottoms.

The restraints upon the enthusiasm of the "b'hoys," as they were termed, were few and inefficient, and the "silk-stockings" were too dignified and disgusted to come out in their legitimate strength. The registry law, amendments to the electoral laws, new acts, new ballot-boxes, all have contributed to bring our elections nearer to what every election in a Republic should be.

But it is well known that even after the Registry Law went into effect the so-called "heelers" would register the names of dead men, absentees, and voters who had moved away, and on election-day have their names voted on by a battalion of other "heelers." This was not all. Under the Tweed *régime* the "heelers" would vote early at the opening of the polls, even on the names of well known-citizens. On presenting themselves to vote later in the day, these unfortunate gentlemen would be quietly informed that their vote was already cast. Remonstrance was of no avail. If any one protested, the indignant citizen was taken by the shoulder and marched out by a policeman, with the request to create no disturbance at the polls. The repeaters were equally defiant of the spirit of the laws. Before it became possible or customary to verify the registrations, the "heelers" would have names registered illegally in unlimited numbers. On election-day, these worthies would band together in groups in adjacent bar-rooms ; thence, one by one, they would sally out, to vote an illegally registered name as often as the requisite exchange of hat, coat, cap or jacket could be effected.

Such were some of the illegal, though often diverting, incidents attending elections in the "good old days." The country finally realized that such scenes were better fitted for the opera bouffe stage than for the sane conduct of the grave business of Free Government.

A change was effected. To a considerable extent these abuses have been swept away. The halcyon days of the "heeler" are gone. Yet there remains much in our present electoral system that justifies the new demand for a more radical reform.

Democracy, by its very nature, demands absolutely exact electoral returns. For if the people, as democracy implies, are fitted to select their own representatives, they are certainly entitled to

every known method of insurance against fraud and misrepresentation.

Not long ago, electoral abuses in England were more general than in this country. To-day, the electoral laws of England are decidedly superior to our own in efficiency. What has been thus done from the dictates of expediency under a monarchy, should be done from a sense of duty in a democracy. The present English system, although superior to ours, should be modified and amended to American needs.

The two chief evils of our existing system are the unlimited and virtually compulsory disbursement of money by the candidate or his supporters, and the frequent failure of the present mode of voting to correctly record the popular verdict.

With regard to the question of expenses, it may be said that the most corrupt currents of our political life flow from this direful spring. Stop partisan expenditures in elections, and you stop the need of assessing office-holders. Stop this now necessary but really needless use of money by the candidate or his supporters, and you no longer discriminate in favor of the rich. Stop this grave abuse, and you drive from public life that pest of American politics—the old-fashioned “practical politician.” Abolish it, and you will purify every department of the public service, and achieve a Civil-Service Reform which other methods have failed to accomplish.

This reform would not only purify our legislatures, but its beneficent influence would be equally felt on the bench and in the Executive Mansions of the country.

It is a fact, although not generally known, that even the election expenses of candidates for the bench have sometimes been defrayed by a syndicate of lawyers. It does not necessarily follow that any corrupt bargain is made in advance between the candidate and his supporters. But, considering the record of some of the judges who have been elected in great cities, it is not uncharitable to believe what is secretly asserted by men familiar with their character. It is not difficult to believe, then, that, this financial assistance to the candidate becomes a first mortgage on the judge.

Nor is it necessary to explain the power for evil or for good which, in the present order of things, is vested in the meanest ward politician. It is easy to see how, in a closely-contested

Presidential election, such as the late one, which depended upon a few hundred votes in the State of New York, a corrupt manager of an Assembly District could control the fate of the Chief Executive Office of the National Government.

Indeed, it should be remembered that the doubt which was so widely expressed by many Democratic authorities as to the legality of Mr. Hayes's election to the Presidency, was solely grounded on the action of the election officers in two remote parishes of Louisiana, the united population of which would not equal that of a populous ward in the City of New York. It needs no argument to show that one of the gravest misfortunes that could happen to a Republic would be a general doubt among the people as to the validity of election of high officials.

Elections at the public expense would put a stop to all such abuses. Not only should any law to this effect not require the candidate to defray his expenses, but he should not be permitted to incur any but limited and specified ones. Already the constitution of Pennsylvania not only forbids all torch-light processions, and like demonstrations, within a prescribed period before election, but it requires the officer-elect to swear that he has spent no money on his election save for certain prescribed purposes. The first instance of the effectiveness of this law occurred in the Legislature of Pennsylvania, some three years since. A Senator from one of the interior counties confessed his inability to take the oath. His seat was declared vacant.

But let us turn again to the poor man. What are his chances of success at the polls in the freest of free countries? Certainly, no poor man can expect to represent any portion of our great cities in Congress without the assistance of his friends or without "mortgaging his official acts" in advance. His expenses for necessities merely—manning of boxes and distribution of tickets—greatly exceed the resources of any man who has the right to call himself poor. Certainly, this condition of things seems dissonant with American principles and professions.

All things considered, the advantage of conducting elections almost entirely at the Government expense would seem to preponderate. There should be, of course, some restrictions imposed upon men placing their names on the list of candidates. Mere wantonness, or love of notoriety, would otherwise be at a premium. In Australia, each candidate is called upon to deposit a fixed

sum before placing his name on the list. Should he fail to poll more than a fixed proportion of the votes obtained by that one of the successful candidates polling the smallest number of votes, the deposit is forfeited to the State. There are different methods of attaining this end. It has been proposed in England to make any candidate responsible for his own expenses who fails to poll one-eighth of the constituency at least. It has been proposed to make the nomination dependent upon a large list of indorsing voters. A fee has also been suggested.

The system of indorsement has strong advocates, who claim that it would abolish the corruptions of primary politics and the practice of selling votes in nominating conventions.

The proper regulation of primaries has been a grave obstacle in the path of political reform in this country. Many have grappled with it, but as many almost have failed. According to a distinguished United States Senator from the West, of all the States in the Union, California alone would seem to have mastered the difficulty. It seems that in California any one *may* call a primary under the general law or not, as he chooses. If he calls it under the general law, then it is subject to all its penalties.

Public opinion is so strong that every one *must* call under the general law, for an omission to do so is notice that fraud is intended. •

The question of secrecy or publicity in voting has for some time received the attention of statesmen and sociologists. It has been contended by some that secrecy implies cowardice, but this theory cannot be sustained. Secrecy in voting has a powerful advocate in the fact that such a measure does away with many forms of undue influence often exerted upon the voter. For example, where secrecy prevails, the habit of voting at the bidding of employer or of a landlord would come to an end. We would hear little more of extorted obedience.

Under the shield of secrecy, the community finds itself freed from any attempt to bribe voters. The purchaser is unwilling to trust his men without ocular demonstration of their loyalty.

There are many interesting points and suggestions connected with this topic of Electoral Reform which one is tempted to discuss, but which lack of space must exclude from present consideration.

During the recent elections, very frequent reference was made

by candidates of different parties to what was termed the "Australian system" of voting, which, with modifications, has been adopted in the British Islands and the Dominion of Canada. It was praised for having secured absolute secrecy of balloting and accurate returns. As little is known here of these various systems of balloting, I have thought it would be of interest to the readers of *THE NORTH AMERICAN REVIEW* to present the facts as gathered from the highest sources, using, as far as possible, but necessarily abridging, the language of local authorities.

The procedure of Parliamentary and municipal elections in Great Britain is regulated by what is generally known as the Ballot Act of 1872. This act was based upon the Australian Systems.

Inquiries were made of the colonies to ascertain whether the absolute secrecy prevailing by the system of New South Wales at all encouraged bribery or personation; and, if not, to ascertain what precautions were used to prevent that result. Inquiries were also made to ascertain whether, on the other hand, the power of the identification of the vote had been used for purposes not contemplated by the law, and had served to diminish the security which it was intended that the system of secret voting should give to the voter.

It was ascertained from New South Wales, through the authorities applied to, that the secret voting there had effectually prevented bribery, and that it had also superseded the canvassing for votes.

It has been found that promises, or what are understood to be such, have now no binding effect. In New South Wales canvassing has survived in some few cases only, where intense anxiety is felt that the seat is involved, or where there is keen rivalry. With regard to personation, it is admitted that the Victorian system prevents it more effectually than that of New South Wales. It is often attempted there, and the lax way in which the returning and presiding officers deal with those who are detected in such attempts at fraud, is responsible for this evil. There is also the same apparent unwillingness there, as is experienced in some parts of the United States, to prosecute offenders. The same apathetic feeling which so often prevails with us, that after election all animosity should cease, exists in that newer world.

In New South Wales, where the voter receives a card, which

bears a number corresponding to his number on the electoral roll, the mode in which the votes of those who cannot read or write are taken, is as follows: A room is provided at each polling place, with a table for the returning officer and poll clerk, and a table for the scrutineers. Each candidate also provides a table for himself, which is placed immediately in front of the returning officer, to enable him to see the voters as they come in to vote. The poll clerks, outside or at the door, provide each voter with a slip of paper containing the number opposite the name of such voter as he appears on the electoral roll. This slip is presented to the returning officer, who at once compares it with his list, and, if correct, hands a voting paper, also initialed (the voting papers are initialed by the returning officer as the voting goes on), to the voter, who proceeds to the ballot room. The ballot room is just sufficiently large to admit the voter. A pencil is provided. He then, alone and out of sight, runs the pencil through the names of the candidates for whom he does not wish to vote. He then folds the voting paper up, and puts it into the box, which is locked, the key being in the custody of the returning officer. A slit is in the top of the box just sufficiently large to admit the paper. By another door the voter then leaves. This is done to prevent his coming into contact with the voters proceeding to vote.

Each room is provided with half a dozen or more "ballot rooms." These ballot rooms are situated against the wall, at the side of the returning officer. They are mere temporary structures, built of boards, about thirty inches wide, and a curtain hangs in the front. A board about a foot wide is attached to the wall throughout the ballot room, to serve the voter while running his pencil through the names. Each pencil is secured by a strong tape. Red lead is preferred, as it is seen better on the black printing ink, and prevents blotting, which would otherwise be inevitable if ink were used to erase the name. A policeman is placed near the ballot room to show the voters in, and to take care that one voter only enters the ballot room at a time, and to show the voter the way out. When the voter cannot read or write, he informs the returning officer of the fact and for whom he intends voting. The returning officer then goes to the ballot room with him, and crosses the names out as directed. The voter then folds the paper up and puts it into the ballot-box and

retires. One or two constables are always placed at the door to prevent any, excepting voters, from entering.

In New South Wales the polling commences at eight o'clock, and the closing of the polls is announced at four in the afternoon by the returning officer. The polling immediately ceases. The doors are then locked, leaving in the room only the returning officer, poll clerk, and scrutineer. The ballot-box is then unlocked and the voting papers taken out one by one by the returning officer, and the names called out and entered on lists already provided. This done, the voting paper is put on a file which stands on a table near the ballot-box. And so on, until the whole lot is gone through.

The voting papers are then folded up in a bundle and sealed up. Each deputy returning officer does as here described. As soon as it is possible after the poll closes, and as soon as the list is made out, he conveys his papers to the returning officer, thus enabling him to declare the state of the poll. Each candidate is allowed to send one scrutineer to each booth. This is no doubt done with the view of preventing any wholesale engagement of men belonging to the other side, and thus influencing votes for the candidate in question. Since the passing of the Electoral Act of 1858 in New South Wales, bribery is said to have been virtually abolished, the secret voting alone preventing it, as the voter can do as he likes when alone in the ballot room and all the voting papers are alike.

I can state on the authority of a United States Senator that a law, now in force in the State of Nevada, has produced similar results, though it was not originally enacted with that purpose in view. Owing to the frequent affrays in the vicinity of the voting booths, a law was passed prohibiting any one not connected with the elections, or not about to cast his vote, from approaching within a radius of fifty feet from the voting booth. The original purpose, as before remarked, was to prevent personal encounters at the polls. This law, however, has had a very happy outcome in another direction. All men who buy votes insist upon seeing them cast for the candidate designated by the briber. Owing to this law, and to the fact that no man can read a ballot at the distance of fifty feet, this scrutiny becomes impossible. The result is self-evident. Bribery was abolished.

The system of counting the votes at the close of the poll in the

Australian Colonies, and sending the poll papers at once to the returning officer, is said to meet with approval and to have produced no ill effect. The returning officer adopts the lists of the respective presiding officers. Nor has any serious difficulty been experienced in obtaining the services of competent and trustworthy deputies by the returning officer. The expense of the elections in New South Wales are defrayed by the Colonial Parliament. A fund is appropriated for the object, and the disbursing of it is intrusted to the Executive Government. The Act of 1858 provides for no remuneration for the returning officers. It has been found necessary, however, to allow a moderate charge to deputies. The expenses are occasionally referred for report and revision to the Auditor-General.

So much for the colony of New South Wales. The procedure of elections in that colony is in many respects the same as that of Victoria, but differs in one important particular. In New South Wales, as we have seen, the system of absolute secrecy prevails, preventing any subsequent investigation and conviction in case of bribery or personation. In Victoria this defect is guarded against. On the day of polling the voter presents himself and demands a ballot paper. Before it is handed to him, the ballot is marked by the returning officer or the deputy with the number corresponding with that of the voter on the roll. Having received his paper, the voter returns to a private compartment in the polling room or booth. There he strikes out from the ballot paper the name or names of the candidate or candidates to whose election he is opposed, leaving unobliterated the name or names of the candidate or candidates for whom he wishes to vote. He must be careful not to leave uncanceled the name or names of the opposing candidate or candidates, otherwise the ballot will be invalid. Having done this, the voter folds up the ballot or the ticket so as to conceal the names from view, and drops it himself into the ballot-box. This is done in the presence of the returning officer or deputy and the scrutinizers appointed by the several candidates. After the close of the election, all the "ballot papers," rolls, and other papers used during the election are forwarded (after due verification by the returning officer), under seal, to the clerk of the Legislative Council or Legislative Assembly, as the case may require, to be kept in safe custody. It is said on good authority that there is

no doubt as to the satisfactory working of this system of voting in Victoria. In the case of a disputed election, the Victorian system admits of scrutiny before the legally constituted tribunal. It is said that this system has not tended to diminish the secrecy which it was intended to afford to the voter; nor is there any reason to suppose that the power of identification has ever been used for purposes not contemplated by law. In the case of voters who cannot read, or of those afflicted with blindness, the returning officer or deputy acts for him in the presence of a witness. The return of the voting at each polling place is made up, in the presence of the scrutinizers and poll clerks, by the deputy returning officer. He transmits it, properly verified by witness, to the returning officer, with the ballot papers sealed up in separate parcels. In Victoria, the expenses of election are paid by the returning officer, who receives in advance a sum of money from the treasury, to be duly accounted for. Each candidate after election is called upon to deposit with the returning officer the sum of fifty pounds in the case of an election to the Assembly, and one hundred pounds in the case of an election to the Council, as a guaranty of his *bona fides*. In the event of his failing to receive a number of votes equal to one-fifth of the votes polled for the lowest of the successful candidates, his deposit is forfeited and goes toward defraying the expenses of the election.

The security for secrecy which the Victorian law intends to afford to the voter has not, it appears, been practically diminished by the power of identification. It is certainly true that the inability to institute an efficient scrutiny after an election is closed, is of itself a direct, and even powerful, incentive to the use of illegal means for procuring a colorable majority at the polls. In South Australia, very much the same system as that described above prevails; and the expenses are paid by the Government. In Tasmania, the voter signs his name, or makes his mark, on a certified copy of the electoral roll before receiving his ballot paper. Ballot papers have no numbers, but absolute secrecy prevails. There also the election expenses are paid out of the public funds. Most of the methods throughout the colonies of Australia resemble each other very closely; and the expenses, for the most part, are defrayed from the general revenues.

The present election laws of Great Britain are based upon the systems described above.

In 1872 (Victoria, 35), a bill was presented in Parliament, embodying substantially the system in vogue in the colonies of New South Wales and Victoria. This bill, as passed by the Commons, provided for the secret system. It was, however, amended by the Lords to the scrutiny system, and the amendment passed. The features of this bill, which is generally known as the Ballot Act of 1872, and which is the present electoral law of Great Britain, were as follows :

A candidate for election to serve in Parliament should be nominated in writing. The writing (in this act called a "nomination paper") shall be subscribed by two registered electors as proposer and seconder, and by eight other registered electors as assenting to the nomination. The law provides that these persons shall all be of the county or borough for which the candidate stands. This paper must be delivered to the returning officer by the candidate or proposer or seconder, personally. During an appointed time the returning officer supplies these blank forms to any registered voter. It also falls to this official to publish the names of the candidates. On the opposite page is the form of a nomination paper as prescribed in the schedules of the Ballot Act.

In the Act in question, the ballot is termed a "ballot paper." The ballot of each voter must consist of a paper showing the names and description of a candidate. Each "ballot paper" must have a number printed on the back and have attached a counterfoil with the same number printed on the face. At the time of voting, the "ballot paper" must be marked on both sides with an official mark, and delivered to the voter within the polling station. The number of such voter on the register of voters is required to be marked on the counterfoil. The voter, having secretly marked his vote on the paper and folded it up, so as to conceal his vote, is required to place it in a closed box in the presence of the officer presiding at the polling station ; but not until this officer has inspected the official mark at the back. Any ballot which has not on its back the official mark, or on which votes are given to more candidates than the voter is entitled to vote for, or on which anything except the number on the back is written—or the mark by which the voter can be identified—is condemned, and not counted. At the close of the polls the boxes are sealed and taken charge of by the returning officer, who opens the boxes and

counts the votes in the presence of any agents of the candidates that may be present. The result is sent to the Clerk of the Crown in Chancery. In case of a tie, the returning officer gives the casting vote. This feature will hardly meet with approval in our own country, but a substitute for such emergencies could easily be de-

Form of Nomination Paper.

We, the undersigned, A. B., of, in the of and C. D., of, in the of, being electors for the of, do hereby nominate the following person as a proper person to serve as member for the said in Parliament :

Surname.	Other Names.	Abode.	Rank, Profession or Occupation.
BROWN,	John,	52, George St., Bristol.	Merchant.
JONES,	or William David,	High Elms, Wilts.	Esquire.
MERTON,	or Hon. George Travis, commonly called Viscount,	Swanworth, Berks.	Viscount.
SMITH,	or Henry Sydney,	72, High St., Bath.	Attorney.

(Signed) A. B.
C. D.

We, the undersigned, being registered electors of the, do hereby assent to the nomination of the above-mentioned John Brown as a proper person to serve as member for the said in Parliament.

(Signed) E. F., of
G. H., of
I. J., of
K. L., of
M. N., of
O. P., of
Q. R., of
S. T., of

vised. The returning officer appoints a presiding officer to preside at each station. In order that the reader may have a clear understanding of the form of "ballot paper" prescribed in the schedule of the Act of 1872, it is here given :

Form of Front of Ballot Paper.

Counterfoil. No..... NOTE.—The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.	1	BROWN. (John Brown, of 52, George St., Bristol, Merchant.)	
	2	JONES. (William David Jones, of High Elms, Wilts, Esq.)	
	3	MERTON. (Hon. George Travis, commonly called Viscount Merton, of Swansworth, Berks.)	
	4	SMITH. (Henry Sydney Smith, of 72, High St., Bath, Attorney.)	

Form of Back of Ballot Paper.

No.....

Election for.....

18.....

NOTE.—The number on the ballot paper is to correspond with that in the counterfoil.

Nothing is permitted to be printed on the "ballot paper," excepting what is prescribed by the Act. The surname of each candidate and, if there are two or more of the same surname, also the other names of such candidates, must be printed in large characters. The names, addresses, and descriptions, and the number on the back of the paper are printed in small characters.

Directions for the guidance of the voter are printed in conspicuous characters, and placarded outside of every polling station and in every compartment of every polling station. A voter is required to go into one of the compartments, and, with a pencil

provided in the compartment, to place a cross on the right hand side, and opposite the name of each candidate for whom he votes. This method differs, as will be seen, from the practice in the colonies. Having marked his paper, the voter then folds it up so as to show the official mark on the back ; and, leaving the compartment, without showing the front or the face of his ballot to any one, he shows the official mark on the back to the presiding officer, and, in his presence, puts the paper into the ballot-box, and forthwith quits the polling station. If the voter inadvertently spoils a "ballot paper," he can return it to the officer, who will, if satisfied of the inadvertence, give him another paper. Any one who fraudulently forges, defaces or destroys a "ballot paper," or "nomination paper," is made guilty of a misdemeanor. The punishment for such misdemeanor is fixed at from six months to two years imprisonment, with or without hard labor. The same punishment is meted out to any person who, without due authority, supplies any one with a "ballot paper," or puts into any ballot-box any other thing than his ballot, or takes any ballot away from the polling station, or otherwise interferes with the ballot-box.

Every officer, clerk, or agent in attendance at the polling place must take an oath of secrecy. All payments are made by the returning officer, who must be reimbursed by the candidates or their proposers and seconders in equal shares. Immediately after the close of the polls, each presiding officer must return to the returning officer the unused "ballot papers" and the spoiled "ballot papers," with a statement showing the number of "ballot papers" given him and the number placed in the ballot-box, unused, spoiled, or illegally tendered. As in the Colonies, each candidate may appoint one agent to attend at each polling place. Such an appointment must be made in writing ; and these agents can only be paid through the returning officer. All persons, such as agents, clerks, and messengers, paid for services at an election, are debarred from voting. The candidate in England is required to pay the amount of his expenditures to the returning officer, who may require a deposit.

It is self-evident that the preceding systems can only serve as a groundwork for any laws that may be enacted in this country. There is no question, however, of the superiority of these laws to our own. Their practical working for an unbroken number of years has proved them an antidote to corruption and trickery.

That a reform is imperatively demanded in the interest of pure government, no one can deny. Why is it that so many of our best men decline to seek the suffrages of the people? Because our methods are corrupt and degrading. Plato held that persons who should be sought out to be invested with political power are those who are personally most averse to it—a sentiment re-echoed by Thomas Jefferson in his familiar declaration that the office should seek the man, not the man the office. The best men can be generally called into the public service only by the purification of our present system; by rendering personation, bribery, counting out, and “trading” impossible through methods which secure faithful returns. It is needless to outline such a scheme. The Australian and English systems, with suitable modification, must form the basis of a radical remedy. With the will the way will open.

ALLEN THORNDIKE RICE.